

THIRD READING

Bill No: SB 1230
Author: Valladares (R)
Introduced: 2/19/26
Vote: 21

SENATE PUBLIC SAFETY COMMITTEE: 6-0, 4/7/26
AYES: Arreguín, Seyarto, Caballero, Cortese, Pérez, Wiener

SENATE ENVIRONMENTAL QUALITY COMMITTEE: 7-0, 4/22/26
AYES: Blakespear, Valladares, Allen, Dahle, Gonzalez, Hurtado, Menjivar

SENATE APPROPRIATIONS COMMITTEE: 7-0, 5/14/26
AYES: Cervantes, Seyarto, Cabaldon, Dahle, Grayson, Richardson, Wahab

SUBJECT: Solid waste: illegal dumping: penalties: resources

SOURCE: Author

DIGEST: This bill increases the fines for the illegal dumping of waste matter for repeat offenders and requires the Department of Resources Recycling and Recovery (CalRecycle) to act as a resource for cities and counties to address illegal dumping through the creation of a website.

ANALYSIS:

Existing law:

- 1) States that it is unlawful to dump or cause to be dumped waste matter in or upon a public or private highway or road, including any portion of the right-of-way thereof, or in or upon private property into or upon which the public is admitted by easement or license, or upon private property without the consent of the owner, or in or upon a public park or other public property other than property designated or set aside for that purpose by the governing board or body having charge of that property. (Penal (Pen.) Code, § 374.3, subd. (a).)

- 2) Provides it is unlawful to place, deposit, or dump, or cause to be placed, deposited, or dumped, rocks, concrete, asphalt, or dirt in or upon a private highway or road, including any portion of the right-of-way of the private highway or road, or private property, without the consent of the owner or a contractor under contract with the owner for the materials, or in or upon a public park or other public property, without the consent of the state or local agency having jurisdiction over the highway, road, or property. (Pen. Code, § 374.3, subd. (b).)
- 3) States that a person violating these dumping provisions is guilty of an infraction and that each day that waste is placed, deposited, or dumped in violation of the law is a separate violation. (Pen. Code, § 374.3, subd. (c).)
- 4) Provides that illegal dumping prohibitions do not restrict a private owner in the use of their own private property, unless the placing, depositing, or dumping of the waste matter on the property creates a public health and safety hazard, a public nuisance, or a fire hazard, as determined by a local health department, local fire department or district providing fire protection services, or the Department of Forestry and Fire Protection, in which case this section applies. (Pen. Code, § 374.3, subd. (d).)
- 5) Punishes a person convicted of dumping non-commercial quantities of waste by a mandatory fine of the following amounts:
 - a) First offense: \$250 - \$1,000
 - b) Second offense: \$500 - \$1,500
 - c) Third offense: \$750 - \$3,000. (Pen. Code, § 374.3, subd. (e).)
- 6) Doubles the fines above if the court finds that the waste matter placed, deposited, or dumped was used tires. (Pen. Code, § 374.3, subd. (e).)
- 7) Provides that the court may require, in addition to any fine imposed upon a conviction, that the person convicted remove, or pay the cost of removing, any waste matter which the convicted person dumped or caused to be dumped upon public or private property. (Pen. Code, § 374.3, subd. (f).)
- 8) Allows that the court may, in addition to the fine imposed upon a conviction, require that a person convicted of a violation described above pick up waste matter at a time and place within the jurisdiction of the court for not less than 12 hours. (Pen. Code, § 374.3, subd. (g).)

- 9) Provides that a person who places, deposits, or dumps, or causes to be placed, deposited, or dumped, waste matter in violation of the provisions above in commercial quantities is guilty of a misdemeanor punishable by imprisonment in a county jail for not more than six months and by a fine of the following amounts:
 - a) First offense: \$1,000 - \$3,000
 - b) Second offense: \$3,000 - \$6,000
 - c) Third offense: \$6,000 - \$10,000. (Pen. Code, § 374.3, subd. (h)(1).)
- 10) Provides that if a person convicted for a violation of illegal dumping in commercial quantities per the immediately preceding provision is the owner or operator of the business involved in the illegal dumping, and that business employs more than 10 full-time employees, the mandatory fine is as follows:
 - a) First offense: \$1,000 - \$5,000
 - b) Second offense: \$3,000 - \$10,000
 - c) Third offense: \$6,000 - \$20,000 (Pen. Code, § 374.3, subd. (h)(2).)
- 11) States that the court shall require, in addition to the fine imposed upon a conviction, that a person convicted for illegal dumping in commercial quantities remove, or pay the cost of removing, any waste matter which the convicted person dumped or caused to be dumped upon the public or private property. (Pen. Code, § 374.3, subd. (h)(3).)
- 12) Requires the court, if a person convicted for illegal dumping in commercial quantities holds a license or permit to conduct business that is substantially related to the illegal dumping for which the person was convicted, to notify the applicable licensing or permitting entity subject to the jurisdiction of the Department of Consumer Affairs of the conviction, as specified. (Pen. Code, § 374.3, subd. (h)(4)(A).)
- 13) Requires the licensing or permitting entity to record and post the offense on the public profile of the license or permit holder on the internet website of the entity. (Pen. Code, § 374.3, subd. (h)(4)(B).)
- 14) Defines “commercial quantities” as an amount of waste matter generated in the course of a trade, business, profession, or occupation, or an amount equal to or in excess of one cubic yard. Specifies that it does not apply to the dumping of

household waste at a person's own residence. (Pen. Code, § 374.3, subd. (h)(5).)

- 15) Requires the court, when setting fines pursuant to the above violations, to consider the defendant's ability to pay, including consideration of several specified factors. (Pen. Code, § 374.3, subd. (j).)

This bill:

- 1) Increases the fine for the dumping of non-commercial amounts of waste to the following amounts:
 - a) First offense: \$250 - \$1,000
 - b) Second offense: \$1,500 - \$3,000
 - c) Third offense: \$3,000 - \$5,000
- 2) Increases the fine for the dumping of commercial quantities of waste to the following amounts:
 - a) First offense: \$1,000 - \$3,000
 - b) Second offense: \$6,000 - \$10,000
 - c) Third offense: \$10,000 - \$15,000
- 3) Increases the fine for the dumping of commercial quantities of waste by a business that employs more than 10 employees to the following amounts:
 - a) First offense: \$1,000 - \$5,000
 - b) Second offense: \$6,000 - \$10,000
 - c) Third offense: \$15,000 - \$25,000
- 4) Requires CalRecycle to be the lead state agency to act as a resource for cities and counties to address illegal dumping.
- 5) Requires the CalRecycle to create an internet website with resources to help cities and counties combat, prevent, and clean up illegal dumping, as specified. Provides that the website may include, but is not limited to, educational outreach materials, best practices, enforcement tools, and grant opportunities available to cities and counties.

Background

Illegal dumping is the unauthorized disposal of solid waste matter—commonly mattresses, tires, appliances, and construction debris—on public or private property. Often done out of convenience or for economic gain, illegal dumping generates significant social, environmental, and economic costs statewide. Illegal dumping issues are primarily the responsibility of local governments, which spend tens of millions of dollars each year to remove illegally disposed materials; private property owners also incur significant costs for the removal of illegally dumped waste.

Disposing of waste legally is often more costly than illegal dumping, due to the fees charged at waste disposal facilities. Some sources allege that waste haulers choose to pay as little as \$4 per ton to dump at an illegal site instead of \$60 to \$120 per ton at a licensed facility. With such incentives, local enforcement action may sometimes be insufficient to deter illegal dumping by repeat bad actors, such as some waste hauler companies.

Under existing law, it is a crime for a person to dump waste matter upon a public or private road, on private property accessible to the public by easement, on private property without the consent of the owner, or in a public park or other public property other than property designated for the purpose of dumping. Existing law also prohibits dumping rocks, concrete, asphalt and dirt on those types of property. Illegal dumping is punishable as an infraction, with increasing fines for a second, third, and subsequent offense:

- a) First offense: \$250 - \$1,000
- b) Second offense: \$500 - \$1,500
- c) Third offense: \$750 - \$3,000

Existing law imposes a misdemeanor with up to six months of jail time and higher fines for the illegal dumping of “commercial quantities” of waste matter:

- a) First offense: \$1,000 - \$3,000
- b) Second offense: \$3,000 - \$6,000
- c) Third offense: \$6,000 - \$10,000

“Commercial quantities” is defined as an “amount of waste matter generated in the course of a trade, business, profession, or occupation, or an amount equal to or in excess of one cubic yard.” If a person convicted of illegal dumping in commercial quantities holds a license or permit to conduct business that is substantially related

to the illegal dumping for which the person was convicted, the licensing or permitting entity must post the offense on the public profile of the license or permit holder on its website. Additionally, there are higher penalties for dumping commercial quantities of waste if the offender is the owner or operator of the business involved in the illegal dumping and that business employs more than 10 employees:

- a) First offense: \$1,000 - \$5,000
- b) Second offense: \$3,000 - \$10,000
- c) Third offense: \$6,000 - \$20,000

A court is required to consider the ability of the defendant to pay when setting any fines under any of the above offenses. Each day waste is placed, deposited, or dumped in violation of the provisions above constitutes a separate violation. Further, in addition to these fines, a court may require that the person convicted remove, or pay the cost of removing, any waste matter which the convicted person dumped or caused to be dumped upon public or private property. For purposes of this section, "person" means "an individual, trust, firm, partnership, joint stock company, joint venture, or corporation," and any of those entities can be found guilty of the above offenses.

This bill increases fines for repeat offenders of the illegal dumping offense above. This bill increases the fine for the dumping of non-commercial amounts of waste to the following amounts:

- a) First offense: \$250 - \$1,000
- b) Second offense: \$1,500 - \$3,000
- c) Third offense: \$3000 - \$5000

This bill increases the fine for the dumping of commercial quantities of waste to the following amounts:

- a) First offense: \$1,000 - \$3,000
- b) Second offense: \$6,000 - \$10,000
- c) Third offense: \$10,000 - \$15,000

This bill increases the fine for the dumping of commercial quantities of waste by a business that employs more than 10 employees to the following amounts:

- a) First offense: \$1,000 - \$5,000

- b) Second offense: \$6,000 - \$10,000
- c) Third offense: \$15,000 - \$25,000

Importantly, the fines in statute provide a base figure, subject to statutorily-imposed penalty assessments, such as fees and surcharges. While the fines governing illegal dumping have not been increased since 2004, the penalty assessments have increased, thus increasing the amount that a person actually pays. Current penalty assessments total at least 240 percent of the initial fine plus \$79, so a fine of \$1,000 for a first offense, for instance, will actually cost an individual a total of \$3,479.

This bill separately designates CalRecycle to be the lead state agency to act as a resource for cities and counties to address illegal dumping. Under this bill, the department would be required to create a website with resources to help cities and counties combat, prevent, and clean up illegal dumping. The website may include, but is not limited to, educational outreach materials, best practices, enforcement tools, and grant opportunities available to cities and counties. This bill allows the department to collaborate with other state agencies for the creation of the website.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

According to the Senate Appropriations Committee:

Annual costs of \$155,000 beginning 2027-28 to implement the provisions of this bill (Solid Waste Disposal Site Cleanup Trust Fund).

SUPPORT: (Verified 5/14/26)

Alameda County
California Association of Highway Patrolmen
California Chapters of the Solid Waste Association of North America's Legislative Task Force
Rural County Representatives of California

OPPOSITION: (Verified 5/14/26)

ACLU California Action
All of Us or None
California Public Defenders Association
Debt Free Justice Coalition
Indivisible CA StateStrong
Legal Services for Prisoners with Children

ARGUMENTS IN SUPPORT:

The Rural County Representatives of California write:

Illegal dumping continues to be a serious problem in many parts of the state, especially in unincorporated rural areas. Local governments spend a considerable amount of money each year responding to and cleaning up illegally disposed waste. Illegal dumping is not confined to local government rights-of-way and private lands, but has become more and more of a problem on state and federal lands. SB 1230 seeks to address this problem by increasing the penalties for repeated violations of the state's illegal dumping laws. Existing penalties are long-overdue for even inflation-related increases, as they were last adjusted in 2006. This means that the penalties are currently low enough for violators to consider it cheaper to offend the law than comply with it. Importantly, SB 1230 only increases penalties for the second or subsequent convictions, leaving intact the existing \$250-\$1000 fine for a first violation. Even so, the increased maximum fines contained in SB 1230 are only slightly higher than what the existing amounts would be if adjusted for inflation.

ARGUMENTS IN OPPOSITION:

The American Civil Liberties Union California Action writes:

Local governments' experiences tell us that these fines will fail to materialize into revenue. For example, take Oakland, which suffers from some of the worst illegal dumping issues in the state. From 2021-2024, the city issues nearly 3,000 fines for illegal dumping – but only collected 11% of those fines. The same story repeated last year, when Oakland issued citations totaling around \$228,000 in fines, but only collected approximately \$21,500. Given the costs to chase down these fines, the City likely lost revenue attempting to address illegal dumping through fines. The Legislature should not set every other local government's budget down this course.

Moreover, SB 1230 drastic increases of criminal fines imposed on individuals will not improve public safety or public health. Even the federal Department of Justice discourages SB 1230's approach of

increased punishments, noting that such strategies do little to deter crime.

Instead, we urge the Legislature to invest into measures to prevent illegal dumping from occurring in the first place. Contra Costa County has published 22 preventative measures that the County is implementing in various phases – none of these prevention measures include increased criminal penalties.

Prepared by: Marshal Lawler / PUB. S. /
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